

REMARKS

The application has been amended and is believed to be in condition for allowance.

There are no formal matters outstanding.

New claims 24-25 are supported at least by the disclosure of specification page 7, last paragraph.

Claims 1-4 were rejected as anticipated by KRUGER EP 1083519.

Claims 8-10 were rejected as anticipated by BAILLOD 2002/0185544.

Claims 18, 20 and 21 were rejected as anticipated by SMEYAK 2003/0235027.

Claims 5-7 were rejected as obvious over KRUGER.

Claims 11-12 were rejected as obvious over BAILLOD.

Claims 13-14 were rejected as obvious over BAILLOD in view of SMOULDERS EP 0875292.

Claims 15-17 were rejected as obvious over BAILLOD in view of HAGIN 4,647,084.

Claims 19, 22 and 23 were rejected as obvious over SMEYAK.

The claims have been amended.

Most of the rejections are traversed by amending the claims that the electronic label is mounted on a dispenser, and that the container comprises a dispenser.

Concerning claims 1, 2, 3 and 4 specifically, because the KRUGER's transponders work in the ultra high frequency (range 400MHz to 3GHz), they are easily detuned in the presence of the liquid in the container. Furthermore, the transponder's antenna cannot have a shape that allows fixing the transponder on a dispenser in the container. In the present invention, as the transponder works at low frequency (range 125KHz) they are not detuned in the presence of the liquid in the container. The transponder's antenna is a cylindrical coil and this shape allows easily fixing the transponder on a dispenser.

Accordingly, claims 1, 2 and 3 have been amended to recite, instead of "a shape allowing it to be attached ...", a cylindrical shape allowing it to be attached on a dispenser (3, 7)....

Claim 4 is amended to include its cylindrical shape allowing it to be attached on a dispenser (3, 7).

In claims 5, 6 and 7, there is some misunderstanding on the term "socket". Therefore, claim 5 has been revised to replace "socket" with "watertight capsule".

The KRUGER's transponder is mounted outside the bottle, around its neck. The transponder is not in contact with the liquid. In the present invention, the transponder is mounted on the dispenser and in contact with the liquid.

Therefore, claim 5 has been amended to add its cylindrical shape allowing it to be attached on a dispenser (3,7) and to be combined in a watertight capsule (4).

Claims 6 and 7 have been amended to include "said radio identification element is attached on a dispenser (3,7) and".

Concerning claims 8, 9 and 10, the BAILLOD's transponder is mounted in the cork of the bottle. In the invention, the container has a dispenser and the transponder is mounted on the dispenser.

Claims 8, 9 and 10 are therefore amended to recite "Container (2,6) with a dispenser" and "electronic label (1) is placed on the dispenser".

Concerning claims 11 and 12, it is not obvious to place the RFID BATES' transponder into the neck of wine bottle except if the wine bottle has a dispenser and the transponder is mounted on the dispenser as disclosed by the present application.

Concerning claims 13 and 14, the SMOULDERS' transponder is placed in a separate cavity of the container. In the invention, the transponder is mounted on the dispenser.

Claims 13 and 14 are therefore amended to recite a container (2, 6) with a dispenser and dispenser top (3).

Concerning claim 15, the "fins" of HAGIN (Faust) have not the same use as in the present application. In the present invention, as disclosed in the description, the use of the fins is to prevent the electronic label from exiting the bottle when

the dispenser top is removed. As an anti-counterfeiting measure, the electronic label will fall in the bottle if one attempts to remove the dispenser top and fill again the bottle with another product. Accordingly, claim 15 has been amended to recite a container (2,6) with a dispenser according to claim 9, said electronic label (1) comprising fins (15), said (15) fins prevent the electronic label (1) from exiting the container (2,6) when the dispenser top (33) is removed.

It is not obvious to implement a transponder in the valve of a dispenser as for claim 23. Added in claim 17 is "comprising a valve, said electronic label (1) being placed in the valve".

Concerning claims 18, 19, 20, 21, 22 and 23, applicants provide the following.

Claim 18: The SMEYAK's transponder is placed on or at the interior surface of the closure. In the invention, the transponder is mounted on the dispenser. Claim 18 is therefore clarified in this regard.

Claim 19: It is not obvious to place the RFID SMEYAK's transponder into the container, except if the closure is a dispenser having a stem so that the transponder is mounted on the dispenser's stem as disclosed.

Claims 20 and 21: The SMEYAK's transponder is placed on or at the interior surface of the closure. In the invention, the transponder is connected to the body or molded in the body of

the dispenser top. The transponder is implemented deeply in the container and from the surface of the closure.

Claim 23: It is not obvious to implement a transponder in the valve of a dispenser. Claim 23 now recites "comprising a valve, said electronic label (1) being placed in the valve".

These amendments are supported by the original specification and enter no new matter.

KRUGER

Claims 1-4 were rejected as anticipated by KRUGER EP 1083519.

As noted above, KRUGER's transponders work in the ultra high frequency (range 400MHz to 3GHz). They are easily detuned in the presence of the liquid in the container. Furthermore, the transponder's antenna cannot have a shape that allows fixing the transponder on a dispenser in the container.

In the present invention, as the transponder works at low frequency (range 125KHz) they are not detuned in the presence of the liquid in the container. The transponder's antenna is a cylindrical coil and this shape allows easily fixing the transponder on a dispenser.

Accordingly, claims 1, 2 and 3 have been amended to recited, instead of "a shape allowing it to be attached ...", a cylindrical shape allowing it to be attached on a dispenser (3,7)... Claim 4 is amended to include its cylindrical shape allowing it to be attached on a dispenser (3,7).

KRUGER does not teach or suggest such an arrangement. Therefore these claims are believed patentable.

KRUGER is not seen to teach or suggest the cylindrical shape allowing the radio identification element to be attached on a dispenser (3, 7) and to be combined in a watertight capsule (4). Nor does KRUGER teach/suggest the radio identification element attached on a dispenser (3, 7) and comprising an electronic circuit (10) and an antenna (11), said antenna (11) consisting of a cylindrical coil, or the contents of said container (2, 6) being able to pass in the center of said coil (11).

Thus the obviousness rejection should be withdrawn.

BAILLOD

Claims 8-10 were rejected as anticipated by BAILLOD 2002/0185544. Claims 11-12 were rejected as obvious over BAILLOD. Claims 13-14 were rejected as obvious over BAILLOD in view of SMOULDERS EP 0875292. Claims 15-17 were rejected as obvious over BAILLOD in view of HAGIN 4,647,084.

As noted above, the BAILLOD transponder is mounted in the cork of the bottle and BAILLOD does not disclose a container having a dispenser with the transponder mounted on the dispenser.

Applicants respectfully disagree as to claims 11 and 12. It is not obvious to place the RFID BATES' transponder into the neck of wine bottle.

The SMOULDERS' teaching of a transponder placed in a separate cavity of the container does not suggest a transponder mounted on the dispenser.

HAGIN does not disclose fins that prevent the electronic label from exiting the bottle when the dispenser top is removed.

The prior art does not suggest the electronic label being placed in the valve.

Thus, these claims are believed patentable.

SMEYAK

Claims 18, 20 and 21 were rejected as anticipated by SMEYAK 2003/0235027 and claims 19, 22 and 23 were rejected as obvious over SMEYAK.

Claim 18 requires the electronic label (1) containing a radio identification element be mounted on the dispenser top. The SMEYAK transponder is placed on or at the interior surface of the closure. Claim 18 is not anticipated.

It is not obvious to place the RFID SMEYAK's transponder into the container, except if the closure is a dispenser having a stem so that the transponder is mounted on the dispenser's stem as disclosed. SMEYAK does not teach the transponder connected to the body or molded in the body of the dispenser top. The transponder is implemented deeply in the container and from the surface of the closure. Nor does SMEYAK teach a transponder in the valve of a dispenser.

Therefore, these claims are believed patentable.

Additionally, each dependent claim is believed patentable for depending from an allowable claim.

Reconsideration and allowance of all the claims are respectfully requested.

In view of the above, this amendment is believed to be fully responsive and to place the application in condition for allowance.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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